

EXHIBIT 1

In The Matter Of:
Juice Entertainment v.
Live Nation Entertainment

Christopher Barrett
Vol. II
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3 CIVIL NO. 11-07518 (WHW) (SCM)

4 JUICE ENTERTAINMENT,
5 LLC, THOMAS DORFMAN
6 and CHRIS BARRETT,

7 Plaintiffs,

8 v.

9 LIVE NATION
10 ENTERTAINMENT, INC.,

11 Defendant.
12

13 :
14 :
15 :
16 : DEPOSITION UPON
17 : ORAL EXAMINATION
18 : OF
19 : CHRISTOPHER J.
20 : BARRETT
21 :
22 :
23 :
24 :
25 :

13 T R A N S C R I P T of the
14 stenographic notes of HOWARD A. RAPPAPORT, a
15 Certified Court Reporter of the State of
16 New Jersey, Certificate No. XI00416, taken at
17 the offices of STONE & MAGNANINI, 150
18 JFK Parkway, Short Hills, New Jersey, on
19 Thursday, November 14, 2013, commencing at
20 10:05 a.m.
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<p style="text-align: right;">22</p> <p>1 Q And when was that?</p> <p>2 A Back in February.</p> <p>3 Q February of what year?</p> <p>4 A 2011.</p> <p>5 Q Do you know whether Juice</p> <p>6 Entertainment existed before February of 2011?</p> <p>7 A I believe it did.</p> <p>8 Q Did you know that at the time?</p> <p>9 A Tom said he had -- he had that</p> <p>10 corporation set up.</p> <p>11 Q What discussion did you have in</p> <p>12 February of 2011 about you becoming a partner in</p> <p>13 Juice Entertainment?</p> <p>14 A Tom and I would be partners.</p> <p>15 Q Was that your suggestion or was</p> <p>16 it his suggestion?</p> <p>17 A It was mutually agreed upon.</p> <p>18 Q Did you have an understanding of</p> <p>19 what that meant, to be partners in Juice</p> <p>20 Entertainment?</p> <p>21 A That we would share in the</p> <p>22 profits and loss.</p> <p>23 Q And did you discuss the</p> <p>24 percentage of shares that you would have?</p> <p>25 A No.</p>	<p style="text-align: right;">24</p> <p>1 A Not to my recollection.</p> <p>2 Q Did you share equally in that</p> <p>3 loss?</p> <p>4 A I believe so.</p> <p>5 Q And did you have an expectation</p> <p>6 as to what percentage of profits you would share</p> <p>7 in any event that Juice Entertainment put on at</p> <p>8 the State Fair in 2011 and beyond?</p> <p>9 A It all depends on the outcome,</p> <p>10 how much everyone put forward, you know, how</p> <p>11 much money was raised and what would happen. I</p> <p>12 did expect a profit.</p> <p>13 At the end of the day me and Tom</p> <p>14 would split a dollar when it was left over.</p> <p>15 Q What does that mean, you would</p> <p>16 split a dollar?</p> <p>17 A Well, you know, if there is \$10</p> <p>18 in gross, \$9 in expenses, Tom would have 50</p> <p>19 cents, I would have 50 cents.</p> <p>20 Q Your understanding was that you</p> <p>21 would split 50/50 in the net profits that Juice</p> <p>22 Entertainment would derive from events at the</p> <p>23 State Fair?</p> <p>24 A Yes.</p> <p>25 Q Do you know whether Mr. Dorfman</p>
<p style="text-align: right;">23</p> <p>1 Q Did you have an understanding as</p> <p>2 to what percentage you would have?</p> <p>3 A Tom and I had worked together for</p> <p>4 a long time. At the end of the day after every</p> <p>5 event, usually we would square up and we had no</p> <p>6 problems. We had a good trust issue.</p> <p>7 2010 I had the contract with the</p> <p>8 Meadowlands with my corporation, and --</p> <p>9 Q Is that called Base Productions?</p> <p>10 A Yes.</p> <p>11 Q Okay.</p> <p>12 A An unwritten rule, kind of like a</p> <p>13 silent partnership.</p> <p>14 Q How did you split -- did Base</p> <p>15 Products recognize a profit in connection with</p> <p>16 the 2010 Latin festival that was put on at the</p> <p>17 State Fair?</p> <p>18 A No.</p> <p>19 Q Did it have a loss?</p> <p>20 A Yes.</p> <p>21 Q What was the amount of the loss?</p> <p>22 A Couldn't recall today.</p> <p>23 Q Was it more than \$5,000?</p> <p>24 A Yes.</p> <p>25 Q Was it more than \$10,000?</p>	<p style="text-align: right;">25</p> <p>1 shared that view?</p> <p>2 A It was never really discussed in</p> <p>3 detail. We always, you know, like I said,</p> <p>4 worked everything out.</p> <p>5 Him and I had a trust thing, and,</p> <p>6 you know, at the end of the day, you know, we</p> <p>7 would go over everything. If he laid out more</p> <p>8 money or anything, we would just break it down.</p> <p>9 Q Did it ever occur to you that it</p> <p>10 would be prudent to reduce your agreement to</p> <p>11 obtain an interest in Juice Entertainment in</p> <p>12 writing?</p> <p>13 A Yes, it did.</p> <p>14 Q When did that occur to you?</p> <p>15 A Well, it was discussed, you know,</p> <p>16 it was going to happen.</p> <p>17 Then I guess the reason why it</p> <p>18 didn't happen is everything, you know, after</p> <p>19 your client interfered, went to shit.</p> <p>20 Excuse my language.</p> <p>21 Q So you and Mr. Dorfman discussed</p> <p>22 reducing your agreement with him to obtain an</p> <p>23 interest in Juice Entertainment. You discussed</p> <p>24 that with Mr. Dorfman and it was contemplated</p> <p>25 that you would reduce your agreement to writing?</p>

Barrett - direct

12 (Pages 42 to 45)

<p style="text-align: right;">42</p> <p>1 A Correct.</p> <p>2 Q Do you think that you and</p> <p>3 Mr. Dorfman had the same knowledge of the events</p> <p>4 concerning the State Fair?</p> <p>5 A Yes.</p> <p>6 Q I'm not asking you to read his</p> <p>7 mind, obviously. But to the best of your</p> <p>8 knowledge, did you yourself share with</p> <p>9 Mr. Dorfman everything that you were doing and</p> <p>10 that you were learning concerning the event?</p> <p>11 A Yes.</p> <p>12 Q Was it your expectation that</p> <p>13 Mr. Dorfman was doing the same with you?</p> <p>14 A Yes.</p> <p>15 Q Would you have any reason to</p> <p>16 believe that Mr. Dorfman did share everything</p> <p>17 with you and had learned with you?</p> <p>18 A That would be my belief.</p> <p>19 Q As I understand it, and based on</p> <p>20 your testimony, I believe it to be true, that</p> <p>21 Mr. DiMatteo was the one responsible for booking</p> <p>22 talent. Did I understand that correctly?</p> <p>23 A Yes.</p> <p>24 Q Am I correct --</p> <p>25 A In respect, John DiMatteo was</p>	<p style="text-align: right;">44</p> <p>1 electronic dance event, am I correct in</p> <p>2 understanding that John DiMatteo was the one who</p> <p>3 was making the offers to the talent to appear at</p> <p>4 that event?</p> <p>5 A Yes, the majority.</p> <p>6 Q And thus, as to those artists to</p> <p>7 whom he had made the offer on Juice's behalf, he</p> <p>8 was the one getting the responses from those</p> <p>9 agents?</p> <p>10 A Correct.</p> <p>11 Q Why did you qualify your answer</p> <p>12 as to the majority? Were there artists to whom</p> <p>13 offers were made by Juice Entertainment to</p> <p>14 appear at the electronic dance event that were</p> <p>15 not made by Mr. DiMatteo?</p> <p>16 A As I stated earlier, Alan Sachs,</p> <p>17 towards the end of our contract, made offers.</p> <p>18 Q Okay.</p> <p>19 What do you mean by towards the</p> <p>20 end?</p> <p>21 A The preliminary offers for the</p> <p>22 heavy hitting electronic dance music event we</p> <p>23 were producing, John DiMatteo made those offers.</p> <p>24 In a last ditch attempt to save our contract,</p> <p>25 Alan Dorso reached out to smaller agencies to</p>
<p style="text-align: right;">43</p> <p>1 booking talent for the electronic dance music.</p> <p>2 That's the event that we are talking about here,</p> <p>3 not the full contract with Juice Entertainment.</p> <p>4 Q Okay. I appreciate that.</p> <p>5 A I wanted to clarify that for you.</p> <p>6 Q I appreciate the clarification.</p> <p>7 Were there other people on the</p> <p>8 team who were responsible for booking talent</p> <p>9 with respect to any other nonelectronic dance</p> <p>10 aspects of the State Fair contract?</p> <p>11 A I was working on that,</p> <p>12 Mr. Dorfman worked on that, Mr. Sachs,</p> <p>13 Mr. Potter and John Sandberg all had made</p> <p>14 attempts to book talent outside of the</p> <p>15 electronic dance event first. Subsequent events</p> <p>16 followed.</p> <p>17 Q And just can you tell me what</p> <p>18 those events were? We'll talk more about them</p> <p>19 later.</p> <p>20 A There was a planned hip hop</p> <p>21 concert, a Latin festival, a rock festival, a</p> <p>22 pop concert. Teen events were discussed. A</p> <p>23 wrestling/mixed martial arts event and a college</p> <p>24 fair.</p> <p>25 Q Now, with respect to the</p>	<p style="text-align: right;">45</p> <p>1 book talent.</p> <p>2 Q Do you mean Alan Sachs?</p> <p>3 A Yes.</p> <p>4 Q Okay.</p> <p>5 So this would have been towards</p> <p>6 April 2011?</p> <p>7 A Correct.</p> <p>8 Q Okay.</p> <p>9 A There may have been an offer or</p> <p>10 two sent out by Paul Potter. There may have</p> <p>11 been an offer sent out by Mr. Dorfman. I can't</p> <p>12 say for certain.</p> <p>13 Q Have you ever been a buyer of</p> <p>14 talent?</p> <p>15 A Yes.</p> <p>16 Q In what capacity? When? Can you</p> <p>17 tell me about that?</p> <p>18 A I have booked deejays to perform</p> <p>19 events.</p> <p>20 Q Have you ever bought talent</p> <p>21 through William Morris endeavors?</p> <p>22 A No.</p> <p>23 Q Have you ever bought talent</p> <p>24 through AM Only?</p> <p>25 A No.</p>

<p style="text-align: right;">46</p> <p>1 Q Have you ever bought talent 2 through the Wind Dish agency? 3 A No. 4 Q Have you ever had any direct 5 communications with anybody from any of those 6 three agencies? 7 A Not to my recollection. 8 Q Who is Melissa Francis? 9 A She was the secretary for Wagner 10 Mateo. 11 Q And what is Wagner Mateo? 12 A Wagner is the owner of the 13 company that produced the concert with us in 14 2010. 15 Q And are you aware of where Wagner 16 Mateo is located? 17 A In Belleville. 18 Q What is Wagner Mateo? 19 A A person. 20 Q Oh, Wagner Mateo -- I thought it 21 was a company called Wagner/Mateo or Wagner 22 hyphen Mateo. It sounded like a law firm. 23 A Oh. 24 Q Wagner Mateo is a person who 25 lives in Belleville. Okay.</p>	<p style="text-align: right;">48</p> <p>1 2010? 2 A Yes. 3 Q Have you work with Melissa 4 Francis other than that event? 5 A No. 6 Q Have you worked with Melissa 7 Francis since the 2010 Latin event? 8 A No. 9 Q Have you spoken to her since 10 then? 11 A No. 12 Q Who is Evan Karfinkle? 13 A The owner of EK Productions. 14 Q What is EK Productions? 15 A An event company. 16 Q Have you and/or Juice 17 Entertainment worked with EK Productions? 18 A I've worked with EK Productions. 19 Q What capacity and when? 20 A As an independent contractor on 21 and off since 2003. 22 Q Where is EK Productions located? 23 A Staten Island. 24 Q And have you worked with EK 25 Products since the beginning of 2011?</p>
<p style="text-align: right;">47</p> <p>1 Is it a he? 2 A It's a he. 3 Q He's involved in the music 4 industry in some fashion? 5 A Yes, he is. 6 Q How so? 7 A He produces events. 8 Q What kinds of events? 9 A Latin. 10 Q Melissa Francis works for 11 Mr. Mateo? 12 A Correct. 13 Q Do you have an office address or 14 any other contact information for Wagner Mateo? 15 A Not off the top of my head. 16 Q Do you think you have it in some 17 kind -- either in your phone or -- I would like 18 to have that if you have it. 19 A If possible. 20 Q Would you agree to look for that 21 in a break and give it to me? 22 MR. SIEGAL: He'll agree to look. 23 A I'll agree to look. 24 Q Have you worked with Melissa 25 Francis in connection with that Latin event in</p>	<p style="text-align: right;">49</p> <p>1 A Yes. 2 Q What have you done with EK 3 Productions since then? 4 A Deejay. 5 Q When was the last time that you 6 did anything with EK Productions? 7 A Last month. 8 Q So, again, do you think you have 9 contact information on where I can find EK 10 Productions? 11 A I think I have contact 12 information. 13 Q I'm going to make the same 14 request. You can talk to Mr. Siegal, but I 15 would like to have that contact information. 16 You don't have to tell me now if you don't want 17 to. 18 A All right. 19 Q Who is Eric Ortenz? 20 A Eric Ortenz is a business 21 associate of Mr. Dorfman. 22 Q Do you know what kind of business 23 they have done? 24 A Electronic music production. 25 Q Does he do business through a</p>

<p style="text-align: right;">78</p> <p>1 that?</p> <p>2 A It was pretty obvious, you know,</p> <p>3 gold is the most valuable asset. If you come to</p> <p>4 me with it I won't take it, because that was</p> <p>5 going to happen.</p> <p>6 Q Did you interpret that as meaning</p> <p>7 he wouldn't do business with you in the future?</p> <p>8 A Absolutely.</p> <p>9 Q Did you interpret that as being</p> <p>10 the consequence of what Live Nation told him on</p> <p>11 February 18th?</p> <p>12 A That's my best information.</p> <p>13 Q Did he ever tell you that he did</p> <p>14 not wish to do business with you in the future</p> <p>15 because of what Live Nation told him?</p> <p>16 A No, those words exactly, no.</p> <p>17 Q Do you know whether Mr. Dorso</p> <p>18 ever told that to Tom Dorfman?</p> <p>19 A Best of my recollection.</p> <p>20 Q Mr. Dorso told that to</p> <p>21 Mr. Dorfman, Mr. Dorfman would have told you?</p> <p>22 A Yes.</p> <p>23 Q So the danger in going back in</p> <p>24 time to have that dialogue about Al Dorso is</p> <p>25 that I don't think I remembered your response to</p>	<p style="text-align: right;">80</p> <p>1 A They didn't specifically say</p> <p>2 that, no.</p> <p>3 Q Do you believe that that's what</p> <p>4 happened?</p> <p>5 A Yes.</p> <p>6 Q What is the basis for your</p> <p>7 belief?</p> <p>8 A When somebody threatens you to</p> <p>9 your face, telling you they are calling the</p> <p>10 agents, and to counterpart, you know, I came to</p> <p>11 the conclusion that they were contacting the</p> <p>12 agencies telling them not to work with us, not</p> <p>13 to release talent.</p> <p>14 In fact, after the March 3rd</p> <p>15 meeting, the effects of their threat --</p> <p>16 actually, after February 18th, back further, it</p> <p>17 was felt immediately. All the offers that we</p> <p>18 had out were, you know, lingering, nothing was</p> <p>19 coming back.</p> <p>20 They made the threat, and it's my</p> <p>21 position they went through with it.</p> <p>22 Q During the meeting that you had</p> <p>23 with Mr. Miller and Mr. D'Esposito, did they</p> <p>24 tell you that they had spoken with agents who</p> <p>25 told them that there were no firm dates in place</p>
<p style="text-align: right;">79</p> <p>1 my question about William Morris, for which I</p> <p>2 apologize.</p> <p>3 Is it your contention that Live</p> <p>4 Nation interfered with your relationship with</p> <p>5 William Morris?</p> <p>6 A Correct.</p> <p>7 Q How so?</p> <p>8 A They told Mr. Dorso that William</p> <p>9 Morris belonged exclusively to Live Nation, and</p> <p>10 nobody is getting any talent, to my face Jason</p> <p>11 Miller and John D'Esposito said that they spoke</p> <p>12 to the agents, they don't have any talent and we</p> <p>13 are not getting any.</p> <p>14 That will cover William Morris.</p> <p>15 It will cover them and the Wind Dish agency as</p> <p>16 well, those statements they were making to us.</p> <p>17 In that conversation they were</p> <p>18 discussing artists and respective agencies they</p> <p>19 belonged to, and they said, you know, in</p> <p>20 particular you don't have this one, you don't</p> <p>21 have that one, you're not getting it.</p> <p>22 Q Did Mr. Miller or Mr. D'Esposito</p> <p>23 say that they, Live Nation, was instructing</p> <p>24 William Morris, AM Only or Wind Dish, to</p> <p>25 withhold talent from you?</p>	<p style="text-align: right;">81</p> <p>1 and that Live Nation was instructing agents not</p> <p>2 to provide dates to you? Or was it just the</p> <p>3 first part?</p> <p>4 MR. SIEGAL: Objection, form.</p> <p>5 Q Did you understand the question?</p> <p>6 A I understand the first part, not</p> <p>7 the second.</p> <p>8 Q Okay.</p> <p>9 Did Mr. Miller or Mr. D'Esposito</p> <p>10 say they made calls to agents to find out</p> <p>11 whether you had dates?</p> <p>12 A What they said was -- this is the</p> <p>13 best of my recollection -- Jason Miller</p> <p>14 specifically said, I spoke to the agents. You</p> <p>15 do not have talent and you are not going to get</p> <p>16 any.</p> <p>17 They told us -- I remember now.</p> <p>18 They told us to kick out John and Vito, and if</p> <p>19 we didn't kick out our partners we weren't going</p> <p>20 to get talent. And further, we wouldn't get</p> <p>21 ticketing.</p> <p>22 Those were specifics. It was</p> <p>23 very hostile.</p> <p>24 Q Okay.</p> <p>25 So tell me if I'm right or wrong</p>

Barrett - direct

22 (Pages 82 to 85)

<p style="text-align: right;">82</p> <p>1 here. I'm not trying to mischaracterize 2 anything that you said. 3 My question is, what evidence do 4 you have that Live Nation interfered with 5 William Morris, AM Only and Wind Dish by 6 blocking your ability to get talent from those 7 agencies? 8 My question is, what evidence do 9 you have? My understanding of your testimony is 10 that you heard Live Nation made threats. 11 A Yes. 12 Q You have no direct evidence -- 13 A I want to just ask, direct 14 evidence as in direct knowledge or material? I 15 want you to be specific. 16 Q That's a very fair question. 17 Do you have any direct evidence? 18 Do you have any firsthand knowledge that Live 19 Nation carried through on the threat that you 20 believe Live Nation made? 21 A I don't have any direct evidence 22 that they carried through with the threat. 23 Q By direct evidence, I mean did 24 anybody from any of the agencies tell you, or 25 anybody else to your knowledge, that Live Nation</p>	<p style="text-align: right;">84</p> <p>1 talking about? 2 A Communication between Kelly Cobb 3 and Tiesto that was transmitted to me through 4 John DiMatteo. 5 Q I'll let you tell me all about 6 that, but I just want to make sure, is there any 7 other evidence that you are aware of that would 8 corroborate your belief that Live Nation carried 9 through on a threat to block talent from being 10 obtained through the three agencies? 11 A No. 12 Q Okay. 13 The evidence you are talking 14 about with Kelly Cobb, who does that relate to? 15 A Tiesto. 16 Q What is your belief that there is 17 some evidence there that corroborates that the 18 threat had been carried out? 19 A Communication that both Vito and 20 John had told me, a conversation they shared, 21 that Kelly Cobb spoke with -- 22 Q Who is Kelly Cobb? 23 A Kelly Cobb is Tiesto's road 24 manager. 25 Q Okay.</p>
<p style="text-align: right;">83</p> <p>1 had blocked the talent? 2 A None of the agents exercised that 3 information to me. 4 Q Did anybody from Live Nation ever 5 tell you that Live Nation had carried through on 6 the threat? 7 A Not to my recollection. 8 Q Have you seen any documents that 9 would corroborate your belief that Live Nation 10 carried through on a threat to block talent from 11 the three agencies? 12 A Have I seen any documents? 13 Q Yes, did you ever see any 14 documents? 15 A No. 16 Q So that is what I would consider 17 direct evidence, either you hearing somebody say 18 something, witnessing it or seeing documents. 19 We can quarrel whether documents would even 20 constitute direct evidence. 21 But have you seen any of the 22 evidence that I just described? 23 A There has been communication that 24 Live Nation carried through on its threats. 25 Q What communication are you</p>	<p style="text-align: right;">85</p> <p>1 A The story he carried out, he told 2 Tiesto something about Kelly being aggravated 3 with Tiesto because he had, and I quote, excuse 4 the language, fucked John DiMatteo and himself 5 by not doing our festival. 6 Kelly specifically asked Tiesto 7 if it was because of Live Nation. 8 And Tiesto nodded his head up and 9 down signifying yes. 10 Q Okay. 11 Who told you that story, John and 12 Vito? 13 A John and Vito. 14 Q Were John or Vito present during 15 this interchange between Kelly Cobb and Tiesto? 16 A No. 17 Q So how did John and Vito get that 18 version of the story? 19 A It was communicated to them 20 through Kelly Cobb. 21 Q Okay. 22 Did you ever speak to Kelly Cobb 23 about this incident? 24 A Yes. 25 Q When?</p>

Barrett - direct

42 (Pages 162 to 165)

<p style="text-align: right;">162</p> <p>1 Q And what would be the maximum?</p> <p>2 A The maximum number of gigs you</p> <p>3 can take in a year? I really can't answer that</p> <p>4 question.</p> <p>5 Q What is the most you ever heard</p> <p>6 somebody do in a year?</p> <p>7 A The most I ever heard? Some guys</p> <p>8 will work, you know, two, three days, four days</p> <p>9 a week. Back in 2003 you could see five days a</p> <p>10 week.</p> <p>11 Q Why do you keep referencing 2003?</p> <p>12 Is that sort of like the golden age of something</p> <p>13 or other?</p> <p>14 A Like -- the circuit pops off,</p> <p>15 goes underground, pops off, you know, it goes in</p> <p>16 a circuit constantly. There is a wave that you</p> <p>17 have to catch, you know. And in those years,</p> <p>18 the late '90s into 2003, 2004 you had a really</p> <p>19 good run, so you can pick up -- a deejay can</p> <p>20 pick up five electronic dance musics in a week.</p> <p>21 That wave has recession. In my</p> <p>22 opinion, like that 2005, 2006, me and Tom took a</p> <p>23 stab and we created an electronic dance music</p> <p>24 party at a time when it was at its low, and it</p> <p>25 seemed to be an extreme success.</p>	<p style="text-align: right;">164</p> <p>1 stock market.</p> <p>2 A I'm giving you an example.</p> <p>3 Q Right.</p> <p>4 A So economically, the point to</p> <p>5 it --</p> <p>6 Q Is there anything you can point</p> <p>7 to that would be an indicator of whether the</p> <p>8 dance music market is going to be hot or cold?</p> <p>9 A The rise in attendance at the</p> <p>10 dance music festivals, you know, you have these</p> <p>11 big ones going down in Florida, Ultra is</p> <p>12 growing, and just everybody was talking about</p> <p>13 EDM.</p> <p>14 I guess we are back to seeing</p> <p>15 what's going on in front of your face. You</p> <p>16 can't find an economical document that</p> <p>17 electronic dance music is in a boom. When you</p> <p>18 are in the scene, you are communicating with</p> <p>19 people, you know the music. It is a whole</p> <p>20 culture in and of itself. You have to live it</p> <p>21 to really experience it. You have to be</p> <p>22 involved.</p> <p>23 Electronic dance music is my</p> <p>24 passion, it was my joy, and I was involved with</p> <p>25 the people and we saw the wave.</p>
<p style="text-align: right;">163</p> <p>1 Then it went into a little bit of</p> <p>2 a lull again, and we saw the rise coming, a big</p> <p>3 interest in festivals, and this electronic dance</p> <p>4 craze was coming back. That's what led us to</p> <p>5 get involved in the venture in the first place.</p> <p>6 So if you want to have that, you</p> <p>7 want me to compare when something is at its</p> <p>8 peak? 2003, that era, was there -- 2011 --</p> <p>9 maybe not '11, we are working our way up that</p> <p>10 boom, and it hit, you know, 2012, '13.</p> <p>11 So if you jump on that wave, you</p> <p>12 can ride that.</p> <p>13 Q In your experience is the</p> <p>14 phenomenon you just described, where there is</p> <p>15 like a peak and a trough, or like a wave,</p> <p>16 correlated to anything in the economy or</p> <p>17 anything that you can put your finger on as to</p> <p>18 when dance music is going to be hot and when</p> <p>19 it's not going to be hot?</p> <p>20 A I don't think there is any sort</p> <p>21 of -- anything economically. Maybe now, today I</p> <p>22 can, because of all the people that are trading</p> <p>23 on the stock market. You can make a calculated</p> <p>24 guess today.</p> <p>25 Q I wasn't trying to pin it to the</p>	<p style="text-align: right;">165</p> <p>1 Just watching what was going on</p> <p>2 in Europe, people I met in school, you know, to</p> <p>3 always talk about how big the electronic dance</p> <p>4 music is in Europe.</p> <p>5 You look at Electric Daisy over</p> <p>6 on the West Coast, you look at Ultra down in</p> <p>7 Miami. You see the Electric Zoo pop up on</p> <p>8 Randall's Island, people take boats there and</p> <p>9 they have a huge turnout.</p> <p>10 The signs are there. The writing</p> <p>11 is kind of on the wall. To point to people and</p> <p>12 economic data, I really can't pinpoint something</p> <p>13 for you and say this is it, this is the end all</p> <p>14 and be all.</p> <p>15 Q I get it.</p> <p>16 Turning back to the 2011 event, I</p> <p>17 want to talk for a minute about the financing</p> <p>18 that your team had in place to put on the event.</p> <p>19 A Yes.</p> <p>20 Q So can you tell me about the</p> <p>21 financing that was available for the electronic</p> <p>22 dance aspect of it?</p> <p>23 A The electronic dance music event,</p> <p>24 we had Vito Bruno going to fund up to</p> <p>25 \$2 million.</p>

<p style="text-align: right;">174</p> <p>1 A Yes, I have.</p> <p>2 Q What is it?</p> <p>3 A It's an e-mail from Al Dorso.</p> <p>4 Q Did you send this to Al Dorso on</p> <p>5 that date?</p> <p>6 A Yes.</p> <p>7 Q And why?</p> <p>8 A Yes, what was --</p> <p>9 Q What was purpose of this e-mail?</p> <p>10 A Yes.</p> <p>11 Q The subject was Cream Fields. Do</p> <p>12 you know why you used that as a subject?</p> <p>13 A Yes.</p> <p>14 Q Why did you use that?</p> <p>15 A Because Paul Potter had told us</p> <p>16 that Cream Fields had expressed an interest in</p> <p>17 our venue and wanted information on it.</p> <p>18 Q And you are asking Mr. Dorso to</p> <p>19 provide that information so you can provide it</p> <p>20 to Mr. Potter?</p> <p>21 A Yes.</p> <p>22 Q Okay.</p> <p>23 A That's the essence of the e-mail.</p> <p>24 Q Right.</p> <p>25 You tell Mr. Dorso -- I'm reading</p>	<p style="text-align: right;">176</p> <p>1 Q You mentioned premier artists.</p> <p>2 What did you mean by that?</p> <p>3 A Premier artists, deejays.</p> <p>4 Q What was the relevance of the</p> <p>5 deejay to your event?</p> <p>6 A The deejay is to bring in the</p> <p>7 crowds.</p> <p>8 Q You were planning to put on a</p> <p>9 two-day event in June 2011, correct?</p> <p>10 A Correct.</p> <p>11 Q How many premier artists did you</p> <p>12 think you needed to have in order to make the</p> <p>13 event successful?</p> <p>14 A A handful.</p> <p>15 Q Can you be more specific?</p> <p>16 A You need an anchor each day and</p> <p>17 then supporting acts. You would have your A</p> <p>18 list artist and then you have B, C and D. You</p> <p>19 need an anchor each day.</p> <p>20 Q I'm going to give you a list that</p> <p>21 might help us have this discussion a little bit</p> <p>22 more concretely.</p> <p>23 (Exhibit marked for</p> <p>24 identification CB-4, E-Mail with attachments.)</p> <p>25 Q I've handed you what we marked as</p>
<p style="text-align: right;">175</p> <p>1 here from the end of the sentence on the second</p> <p>2 line of your e-mail.</p> <p>3 "The sooner we have this</p> <p>4 information the better position we will be in to</p> <p>5 lock in the talent needed to insure the success</p> <p>6 from year one. The premier artists are being</p> <p>7 scheduled now. The time is of the essence."</p> <p>8 Did I read that correctly?</p> <p>9 A Yes, you did.</p> <p>10 Q Was it your understanding that</p> <p>11 premier artists were setting their schedules for</p> <p>12 June of 2011 when you wrote this e-mail to</p> <p>13 Mr. Dorso on October 15, 2010?</p> <p>14 A From what Paul Potter had</p> <p>15 reported to me, it was his belief that during</p> <p>16 that time frame major artists would be setting</p> <p>17 up their calendar. He said if we can get</p> <p>18 something firmed up before the holidays, that</p> <p>19 it -- that that would be the best case scenario.</p> <p>20 Q And you believed what Mr. Potter</p> <p>21 told you?</p> <p>22 A Yes, I did.</p> <p>23 Q Which is why you sent the e-mail</p> <p>24 to Mr. Dorso, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">177</p> <p>1 exhibit CB-4, a four-page document that we</p> <p>2 received from your lawyers in discovery in this</p> <p>3 case.</p> <p>4 (Exhibit handed to the witness.)</p> <p>5 Q It looks to me to be an e-mail</p> <p>6 from you to Paul Potter dated November 27, 2010</p> <p>7 with a subject, "Re suggested line up,</p> <p>8 Meadowlands."</p> <p>9 Is this an e-mail that you sent</p> <p>10 to Paul Potter on that date?</p> <p>11 A Let's see, from Chris to Paul</p> <p>12 Potter, yeah, yes. It is just on the face, it</p> <p>13 seems like an e-mail from him to me and from me</p> <p>14 to him. It's confusing. From Potter to me, and</p> <p>15 the bottom me to him.</p> <p>16 Q And after the cover page there is</p> <p>17 a list of artists broken into several tiers, and</p> <p>18 would looking at this list help us in our</p> <p>19 discussion about headliners?</p> <p>20 A Yes.</p> <p>21 Q And anchors?</p> <p>22 A Yes, as I call it.</p> <p>23 Q Did you prepare this list?</p> <p>24 A Yes.</p> <p>25 Q When did you prepare it?</p>

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<p style="text-align: right;">186</p> <p>1 out December 2nd, or I could have met with him 2 on November 24th or 25th.</p> <p>3 Q Mr. Potter, on the top of the 4 page, on November 26th sends what I take to be a 5 reminder, tell me if I'm wrong. A couple of 6 days later he says, "Guys, we need to get the 7 rest of these together. Time is ticking." He 8 includes five exclamation points.</p> <p>9 Did I read that and describe that 10 correctly?</p> <p>11 A I can say you described it 12 correctly -- you read it correctly.</p> <p>13 How did you describe it? Can you 14 say that again?</p> <p>15 Q I just described the five 16 exclamation points.</p> <p>17 A I can confirm that the words that 18 you spoke and the exclamation points are on the 19 paper.</p> <p>20 Q Was Mr. Potter expressing to you 21 the need to act urgently during the time frame 22 to get things lined up?</p> <p>23 A Yes.</p> <p>24 Q Okay.</p> <p>25 Did he explain to you why he</p>	<p style="text-align: right;">188</p> <p>1 A Tom wanted to get the engagement 2 letter, get something in writing before he put 3 the project out there.</p> <p>4 Q What do you mean by the 5 engagement letter?</p> <p>6 A What do I mean by the engagement 7 letter? Can you be more specific?</p> <p>8 Q Is that the letter that Al Dorso 9 signed on December 1st, 2010?</p> <p>10 A Yes.</p> <p>11 Q Or is it something else?</p> <p>12 A That was that letter.</p> <p>13 Q Did Tom believe that until you 14 had that letter, you couldn't do what?</p> <p>15 A Tom and I shared the belief, but 16 not to the extent, was afraid of soliciting 17 business until we had the deal locked in place, 18 at least an engagement letter. He's fearful 19 that a company would come along and take it 20 right from underneath us.</p> <p>21 Q So your view, Tom's view --</p> <p>22 A I shared it.</p> <p>23 Q -- that you somewhat shared, 24 despite the fact that Mr. Potter believed the 25 clock was ticking, you needed to get moving, you</p>
<p style="text-align: right;">187</p> <p>1 thought it was so urgent that things get squared 2 away at that time frame?</p> <p>3 A As he told me, he believed that 4 people went on holiday.</p> <p>5 Q Do you know what he meant by 6 that?</p> <p>7 A I guess on vacation.</p> <p>8 Q Did he say when he thought the 9 holiday would start?</p> <p>10 A December.</p> <p>11 Q Did he explain to you what he 12 thought would happen if talent wasn't booked by 13 December?</p> <p>14 A He never confirmed or denied the 15 availability of the talent beyond any set date.</p> <p>16 Q Well, did he indicate to you that 17 he thought if you didn't book the talent by some 18 point before Christmastime, it would not likely 19 be that you were going to be able to book the 20 talent that you wanted to appear at your event 21 in New Jersey in July?</p> <p>22 A He was urging us to get moving 23 and to start making offers to these agents.</p> <p>24 Q How did your team react to 25 Mr. Potter's sense of urgency?</p>	<p style="text-align: right;">189</p> <p>1 needed to make offers, you needed to line up 2 financing, you couldn't do anything public along 3 those lines until after you got something in 4 writing from Al Dorso?</p> <p>5 A Correct.</p> <p>6 Q You didn't get something from Al 7 Dorso until December 1st, 2010?</p> <p>8 A Correct.</p> <p>9 Q Were you trying to get that from 10 Al Dorso before December 1st, 2010?</p> <p>11 A Yes.</p> <p>12 Q When did you start trying to get 13 something in writing from him?</p> <p>14 A We met with Al Dorso at some 15 point in time in October face to face and we 16 discussed the project, and we told him what we 17 were doing, what our intentions were and what we 18 would like to do.</p> <p>19 Tom explained over and over 20 again, repeating himself, that once this gets 21 out there, people are going to come through with 22 money bags.</p> <p>23 Mr. Dorso said, my word is gold. 24 You can have my signature on the contract. You 25 can go out and book the talent. This deal is</p>

<p style="text-align: right;">198</p> <p>1 I can tell you Tom had somebody 2 interested right around there. 3 Q As of the time that you sent this 4 text chat, the Google chat with Mr. Potter, was 5 anybody lined up, actually, who had committed to 6 financing? 7 A I can't say because I don't 8 remember, you know, what the outcome exactly 9 was. 10 Q There is only two groups who ever 11 did commit, correct? That is the Chiasullos and 12 Mr. Bruno? 13 A Three, Aventura, specifically two 14 members and their manager, not the whole band, 15 committed to provide funding for our event. 16 Q Okay. 17 With respect to the electronic 18 music there were only two, the Chiasullos and 19 Mr. Bruno? 20 A Correct. 21 Q And they had not committed as of 22 December 17th? 23 A Correct. 24 Q Right. 25 Who is the one that was in the</p>	<p style="text-align: right;">200</p> <p>1 The other gentleman's name was, I 2 think it's Mike. There are several others that 3 I just don't recall. 4 Q Do you know the last name of Izzy 5 or Mike? 6 A I don't know. These are Tom's 7 contacts. 8 Q And do you know where they live? 9 A I would guess New Jersey. 10 Q Anything more specific than that? 11 A No. I didn't meet them. I 12 wasn't privileged. 13 I guess I'll step back. I can 14 tell you people I met with. I wish I remembered 15 the guy's name, but he's -- he plays with the 16 Philadelphia Eagles. There were other athletes 17 that Tom dealt with on a regular basis. They 18 would go to all his parties and clubs. He kept 19 those relationships real tight, and I wasn't 20 privied to any meetings that he had with any of 21 them. I just remember him mentioning that in 22 the interim. 23 MR. MARX: Mark the next exhibit. 24 (Exhibit marked for 25 identification CB-8, String of e-mails dated</p>
<p style="text-align: right;">199</p> <p>1 hot seat? Was that either Chiasullo, Bruno or 2 someone else? 3 A It was someone else. 4 Q Who is that? 5 A As I told you, I don't remember. 6 There were several people, but it was a contact, 7 again, that Tom had previous relationships with, 8 that he was interested in funding a nightclub, 9 concert event. 10 Q Do you know that person's name? 11 A I don't remember. 12 Q Do you know the name of anybody 13 who, as of December 17th, would have been in 14 discussions, who were close to committing to 15 provide financing? 16 A I can't say on December 17th that 17 I remember the names, but I know names of people 18 who were interested in funding. I can't say 19 this is the one that I'm referring to here. 20 Q What are the names of some of the 21 people who were interested in funding? 22 A There is a guy named Izzy -- 23 Q Okay. 24 A -- who Tom had done business 25 with.</p>	<p style="text-align: right;">201</p> <p>1 January 26, 2011.) 2 (Exhibit handed to the witness.) 3 Q Mr. Barrett, I'm going to ask you 4 to continue reading what we marked as exhibit 5 CB-8, a one-page document provided to us by your 6 attorneys in connection with discovery in this 7 case. 8 It looks like it's a couple of 9 e-mails. The one on the top looks like it's 10 from Mr. Sandberg to you dated 1-26-2011, and 11 the subject is "Re conservative." 12 Have you seen this before? 13 (Pause.) 14 A I believe so. 15 Q Starting down at the bottom it 16 looks like earlier in afternoon on January 26th 17 Mr. Sandberg writes you an e-mail talking about 18 being with his partner, going over the numbers, 19 telling Tom he will free himself in the 20 afternoon to meet in his office. Then 21 Mr. Sandberg is telling you, "Very important, 22 let's get this done now. I have a bar in 23 Boonton. I talked my partner to letting him run 24 it." 25 Do you know what he's talking</p>

<p style="text-align: right;">206</p> <p>1 A Okay.</p> <p>2 Q My first question is, have you</p> <p>3 seen this document before?</p> <p>4 A Yes, I have.</p> <p>5 Q Okay.</p> <p>6 And I think that it may help you</p> <p>7 place the date of the -- strike that.</p> <p>8 Why was Vito Bruno sending this</p> <p>9 e-mail to you with the subject, "Red line</p> <p>10 agreement. Please approve and review. Thanks."</p> <p>11 Capital V.</p> <p>12 A The day after we met with him I</p> <p>13 sent Vito an agreement, another version of this</p> <p>14 joint venture.</p> <p>15 He went through it, or his</p> <p>16 attorney went through it, red lined it and sent</p> <p>17 it back.</p> <p>18 Q What is the meeting that you are</p> <p>19 referring to now?</p> <p>20 A The meeting that we had at the</p> <p>21 Grand Lux cafe when we agreed to partner.</p> <p>22 Q And this is a meeting attended by</p> <p>23 who?</p> <p>24 A It was myself, John DiMatteo,</p> <p>25 Bruno and Vito, Brian Ortega, Thomas Dorfman and</p>	<p style="text-align: right;">208</p> <p>1 not.</p> <p>2 Tom had, I guess, an existing --</p> <p>3 I call it a bad taste in his mouth from doing</p> <p>4 business with John DiMatteo. Tom had approached</p> <p>5 John at an event. I believe Tom believes he had</p> <p>6 a deal with, a ton of pictures, you know, kind</p> <p>7 of put him on to it, then John DiMatteo went and</p> <p>8 produced the event and didn't include Tom.</p> <p>9 There was a bit of, I'll call it</p> <p>10 a bad taste.</p> <p>11 I spoke with Tom about it for</p> <p>12 some time. I said, John is the guy if you want</p> <p>13 Tiesto, you know, let's sit down and talk to</p> <p>14 him.</p> <p>15 That was the previous time. And</p> <p>16 then I think what really pushed it is when Pasha</p> <p>17 called Alan and said, hey, we are here with</p> <p>18 Electric Daisy.</p> <p>19 We said, hey, let's sit down and</p> <p>20 meet face to face tonight.</p> <p>21 Q And the purpose of the</p> <p>22 face-to-face meeting was to do what?</p> <p>23 A To discuss the plans each party</p> <p>24 had.</p> <p>25 Q And did you reach an agreement at</p>
<p style="text-align: right;">207</p> <p>1 Alan Sachs. Yeah, Brian was there actually.</p> <p>2 Q Who is Brian?</p> <p>3 A Brian works with John.</p> <p>4 Q John DiMatteo?</p> <p>5 A John DiMatteo.</p> <p>6 Q Okay.</p> <p>7 When did the meeting take place?</p> <p>8 A Like I said, on or about</p> <p>9 June 26th, somewhere in that time.</p> <p>10 Q January 26th?</p> <p>11 A Yes.</p> <p>12 Q Where was this, the Cafe Lux?</p> <p>13 A Yes.</p> <p>14 Q Where is that?</p> <p>15 A The Grand Lux in Paramus.</p> <p>16 Q Was that the first time that you</p> <p>17 discussed the potential of partnering with Vito</p> <p>18 and John?</p> <p>19 A No.</p> <p>20 Q When did you guys first start</p> <p>21 talking about that?</p> <p>22 A Alan had presented it several</p> <p>23 times to myself and Tom. He said, these guys</p> <p>24 are planning it. We can go ahead and sit down</p> <p>25 and talk with them and join them together or</p>	<p style="text-align: right;">209</p> <p>1 that meeting at the Grand Lux?</p> <p>2 A We did.</p> <p>3 Q What are the terms of that</p> <p>4 agreement?</p> <p>5 A That we would partner 50/50 in</p> <p>6 profits and losses.</p> <p>7 Vito said he had \$2 million to</p> <p>8 fund the project. He would fund the entire</p> <p>9 event. He would do it however we wanted to.</p> <p>10 Q Was there more to the agreement</p> <p>11 than that, or was that it?</p> <p>12 A More to the agreement?</p> <p>13 Q Yes.</p> <p>14 A I can discuss the meeting in</p> <p>15 detail.</p> <p>16 Q I just want to know, end of the</p> <p>17 day --</p> <p>18 A At the end of the day Vito</p> <p>19 offered to fund the whole event.</p> <p>20 Q Why was Vito offering to fund the</p> <p>21 entire event, but allowed you to have 50 percent</p> <p>22 of the profits?</p> <p>23 A I mean, if you want his opinion</p> <p>24 you have to ask him. If you want what he told</p> <p>25 me, it was -- he said that he would fund the</p>

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<p style="text-align: right;">210</p> <p>1 event, and whatever expenses he had, the money 2 he laid out would have to be reimbursed to him 3 off the top. He would get paid his money back 4 first and, you know, if we wanted to invest 5 money, that's fine, you know, whoever invested, 6 whatever their portion of the money was, it's a 7 business deal, the expenses would be returned 8 first and the profit would be split at the end 9 of the day. 10 Q So I have an understanding, 11 Vito's initial money, to the extent he provided 12 any for the financing of this event, would be 13 first paid out of proceeds as an expense, right? 14 A No. It would be returned to him 15 first before the 50/50 or anything. 16 Vito lays out \$2 million for the 17 event, you know, event cost \$2 million. He lays 18 out that money. Four million dollars is laid 19 out. 20 So you got \$4 million sitting in 21 the pot. Before anything, Vito gets his 22 \$2 million back, one million goes to Vito and 23 John, a million goes to our part. That was the 24 understanding. 25 Q That was the agreement that you</p>	<p style="text-align: right;">212</p> <p>1 agreement that you reached at the Grand Lux? 2 A No. Actually, I just told him 3 that I had an agreement already typed up. My 4 attorney had given me documents in the past, I 5 said, I can send it over to you as joint 6 venture. 7 I guess we were discussing maybe 8 opening up one corporation just for that event, 9 you know, for that specific purpose, you know, 10 or doing a joint venture between the two. 11 After that it wasn't -- I can't 12 really remember, but I remember those types of 13 things. What I sent to him wasn't exactly a 14 hundred percent of the reflection of the 15 relationship, you know, because it was just a 16 draft, sort of a document a lawyer created, and 17 we were going to work on it and go back and 18 forth. 19 Q Well, what was the most important 20 part of the relationship, the agreement that you 21 reached with Vito and John at the Grand Lux that 22 day from your perspective? 23 A The most important part -- 24 Q Yes, the thing that you came away 25 from that meeting pleased to having obtained</p>
<p style="text-align: right;">211</p> <p>1 reached? 2 A Yes. He said if you want to do 3 it that way. He said, I'm doing this event 4 somewhere else and it costs a heck of a lot more 5 money. They didn't have a fence line, they 6 didn't have any logistics set up. 7 We had a turnkey operation as the 8 project that we were doing. They were ecstatic 9 over this. They asked us so many times, you 10 know, how did you get such a turnkey operation, 11 such a good deal? 12 Q So did Vito commit to providing 13 \$2 million? Or was it up to \$2 million? Or was 14 it something else? 15 A He said, I have \$2 million. I 16 can fund the whole thing. 17 Q Okay. 18 The day after that meeting you 19 sent Vito a document -- 20 A A document, most likely the day 21 after. If we are getting technical, it could be 22 a day or two, but it was in that realistic time 23 frame. 24 Q Was it your intention that that 25 document would capture the terms of the</p>	<p style="text-align: right;">213</p> <p>1 from Vito and John. 2 A Tiesto. 3 Q So for you the best part of that 4 meeting was I'm collaborating with Vito and 5 John, that means I can get Tiesto? 6 A You asked me one specific thing. 7 The best thing that came out of that meeting was 8 that when we sat across from them, they said we 9 are doing this thing. We have Tiesto and David 10 Guetta ready for Raceway Park, they are both 11 available. And Paul Morris was -- I want to use 12 the word seasoned, primed, something like that, 13 for us doing this big festival on June 25th and 14 26th. This big head liner and all these guys 15 are available. 16 But if you ask me the one most 17 important thing that came out of that meeting 18 was Tiesto. You want to talk about the second? 19 Vito's funding. 20 Q Okay. 21 A From there the list goes on. You 22 had Vito Bruno, who is the premium, I mean, the 23 guy has been doing this forever, this electronic 24 dance stuff, the experience he had, and we are 25 going to work beside him with John DiMatteo, who</p>

<p style="text-align: right;">214</p> <p>1 was booking, you know, heavy hitting deejays on 2 a regular basis. He has a data base, he's got 3 everything. 4 I have to tell you everything 5 about that meeting was great. 6 Q So you have a great meeting at 7 the Grand Lux. You come away, two things, you 8 are excited about everything. If I force you, 9 gun to your head, you say the top two, the most 10 important thing was by collaborating with Vito 11 and John, you had the ability to get Tiesto and 12 David Guetta to appear at your event, because 13 Vito and John had already, according to them, 14 lined them up to play a festival at Raceway 15 Park, and they could deliver Tiesto and David 16 Guetto to your event at the Meadowlands? 17 A Yes. 18 Q That's first? 19 A Yes. 20 Q Then you have Vito's promise to 21 provide up to \$2 million in funding, correct? 22 A Yes. 23 Q And there were many other things 24 that you liked about it? 25 A Oh yes.</p>	<p style="text-align: right;">216</p> <p>1 where in this agreement that you prepared right 2 after the great meeting at the Grand Lux, where 3 in this does it provide for the most important 4 thing to you, which was that John and Vito were 5 going to produce Tiesto and David Guetta at this 6 festival that we are talking about now? 7 A This agreement has no mention of 8 Tiesto. 9 Q Nor of David Guetta? 10 A No. 11 Q Nor of John and Vito producing 12 them for your event? 13 A Correct. 14 Q Okay. Okay. 15 Now, the second most important 16 thing that you got out of the meeting at the 17 Grand Lux when you struck your agreement with 18 John and Vito was Vito's funding, correct? 19 A Correct. 20 Q And now where in the agreement 21 that you provided does it obligate Vito to 22 provide that funding? 23 A It doesn't say it from what I can 24 see in the financial discussion. Talking about 25 the profit, it states, "In the event that any</p>
<p style="text-align: right;">215</p> <p>1 Q So you leave the Grand Lux to go 2 back to the office. A day or two later you take 3 a draft joint venture agreement that your 4 lawyer -- a lawyer had given you one? 5 A Yes. 6 Q And then you sent it to Vito, 7 saying here's a document that we can use to put 8 our agreement in writing? 9 A Can I have more water, please? 10 I'm parched. 11 Q Did I get all of that correct? 12 A Yes. 13 Q Vito then sends you back a 14 revised version of the document that contains 15 some provisions that he wanted, right? 16 A Right. 17 Q That's what we are looking at 18 here, CB-9? 19 A That's right. 20 Q So in CB-9 we see the net result 21 of your document that you sent to Vito Bruno and 22 the document he sent back with the additions he 23 wanted, right? 24 A Okay. 25 Q So my first question to you is,</p>	<p style="text-align: right;">217</p> <p>1 partner at any time satisfies a disproportionate 2 share of the financial obligations of X, that 3 partner shall be entitled to reimbursement 4 thereof before the calculation and distribution 5 of any profit." 6 I believe that's what I said 7 before. 8 I don't believe that -- I don't 9 see it. 10 Q Was this document ever finalized? 11 A No. 12 Q Was the document ever signed? 13 A No. 14 Q Do you have anything in writing 15 from Vito Bruno wherein he promises to provide 16 you financing for this event? 17 A Anything in writing? 18 Q Yes. 19 A No. 20 Q Didn't what had just happened 21 with Al Dorso with the engagement letter, and by 22 that I mean Al Dorso telling you that, you know, 23 even though you wanted that in writing, his word 24 was solid, better than in writing, he delayed 25 the process. You finally got it in December.</p>

<p style="text-align: right;">230</p> <p>1 sending it to you?</p> <p>2 A No.</p> <p>3 Q Did you ever have a discussion</p> <p>4 with him about the document?</p> <p>5 A Yes, I did.</p> <p>6 Q What was that discussion?</p> <p>7 A I told him that creating a</p> <p>8 document that says \$900,000 was not acceptable.</p> <p>9 I also told him such actions and that letter</p> <p>10 will go nowhere.</p> <p>11 Q What did he say to you?</p> <p>12 A To the best of my recollection he</p> <p>13 was apologetic, wasn't serious.</p> <p>14 Q Did you tell Mr. Dorfman about</p> <p>15 that interchange?</p> <p>16 A Yes, sir.</p> <p>17 Q What did you tell him?</p> <p>18 A I told him that Mr. Sandberg had</p> <p>19 messed around with something, changed it from</p> <p>20 300 to 900.</p> <p>21 He called him an idiot, something</p> <p>22 to that effect, and we carried on.</p> <p>23 Q And did you ever provide the</p> <p>24 version of the letter with the \$900,000 amount</p> <p>25 to anybody?</p>	<p style="text-align: right;">232</p> <p>1 Mr. Sandberg confirmed it.</p> <p>2 Q There was a meeting on March 7th</p> <p>3 with Mr. Dorso when you signed the contract?</p> <p>4 A Yes.</p> <p>5 Q You gave Mr. Dorso the Provident</p> <p>6 Bank letter?</p> <p>7 A This letter right here stating</p> <p>8 \$300,000?</p> <p>9 Q Right.</p> <p>10 And you -- did you give him any</p> <p>11 other information concerning Juice</p> <p>12 Entertainment's ability to satisfy its funding</p> <p>13 operation?</p> <p>14 A Yes.</p> <p>15 Q What did you give him?</p> <p>16 A Gave him a bank statement from</p> <p>17 Vito Bruno.</p> <p>18 MR. MARX: Why don't we mark the</p> <p>19 next exhibit.</p> <p>20 (Exhibit marked for</p> <p>21 identification CB-11, Document from Chase Bank.)</p> <p>22 Q I'm going to ask you to continue</p> <p>23 reading what we marked as exhibit CB-11.</p> <p>24 (Exhibit handed to the witness.)</p> <p>25 Q It is a multiple-page document</p>
<p style="text-align: right;">231</p> <p>1 A I never sent that to anyone.</p> <p>2 Q Do you know whether anybody else</p> <p>3 did?</p> <p>4 A As far as I know the document was</p> <p>5 not communicated to anyone.</p> <p>6 Q Did that episode change your</p> <p>7 impression about Mr. Sandberg in any way?</p> <p>8 A It did. Actually, when I told</p> <p>9 him I didn't condone his behavior, I kind of put</p> <p>10 him on notice that he would have a short leash.</p> <p>11 Q And what do you mean by that?</p> <p>12 A Well, in my opinion, after the</p> <p>13 meeting we had with Jason Miller and John</p> <p>14 D'Esposito, John Sandberg had become different.</p> <p>15 Q Is that the meeting on March 3rd?</p> <p>16 A Yeah, the meeting on March 3rd.</p> <p>17 He was more anxious. It really took a toll on</p> <p>18 him. At times I believed him to be a little</p> <p>19 irrational, like angry and, you know, that</p> <p>20 affected definitely my opinion of him, if I must</p> <p>21 say so. He just raised it from \$300,000.</p> <p>22 Sure, something like this isn't</p> <p>23 going anywhere. In fact, at the meeting with</p> <p>24 Mr. Dorso, you know, I made sure I told</p> <p>25 Mr. Dorso, Tom said this is what we have and</p>	<p style="text-align: right;">233</p> <p>1 provided to us by your attorneys in the</p> <p>2 discovery process in this case.</p> <p>3 Is this the bank account</p> <p>4 statement that you described in your prior</p> <p>5 response?</p> <p>6 (Pause.)</p> <p>7 A Yes.</p> <p>8 Q And where did you get this?</p> <p>9 A From Vito Bruno.</p> <p>10 Q When?</p> <p>11 A On February 18th.</p> <p>12 Q And how did you get it?</p> <p>13 A Vito made a copy of it and handed</p> <p>14 it to me.</p> <p>15 Q Did he tell you what -- did he</p> <p>16 tell you what you were allowed to do with it?</p> <p>17 A Well, Vito's understanding was</p> <p>18 that I needed this document to bring to Al Dorso</p> <p>19 to show that Vito wasn't broke.</p> <p>20 Q Okay.</p> <p>21 You say that is Vito's</p> <p>22 understanding?</p> <p>23 A What I told Vito, yet again, the</p> <p>24 February 18th phone call that we discussed</p> <p>25 earlier when Al Dorso told us that we were broke</p>

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1 that would be the money from the Chiasullos?
 2 A Yes.
 3 Q What was this account opened up
 4 for the purpose of doing?
 5 A To put Tiesto into the festival.
 6 Q Was it for operations in general,
 7 or was it for the operations of the electric
 8 music festival?
 9 A I believe it was for the
 10 operations of Juice Entertainment.
 11 Q If I wanted to know what this
 12 money was used for, would I look at the note
 13 agreement between you and the Chiasullos?
 14 A Yes.
 15 Q Let's turn to page one on the
 16 next statement, which is March 31, 2011
 17 statement.
 18 A Okay.
 19 Q Okay.
 20 Looking down there, we have on
 21 March 14th a deposit -- we have several
 22 transactions on March 14th. Do you see those?
 23 A Yes.
 24 Q On the one hand we have a deposit
 25 of \$120,000. Then we have two withdrawals -- we

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1 have several withdrawals, and two of them are in
 2 the amounts of \$40,000 and \$80,000, which even
 3 with my bad math comes to \$120,000.
 4 Do you know anything about the
 5 deposit and withdrawal of \$120,000 on
 6 March 14th?
 7 A I think it's credited in the
 8 error, between the 80 and 40, if you look at
 9 those two numbers together. It looks like a
 10 bank error.
 11 Q Okay, maybe so.
 12 Do you know anything about that?
 13 A The bank error? No.
 14 Q There is a wire transfer of
 15 \$131,750 on March 14th. Do you know what that
 16 was for?
 17 A That was for a deposit for a hip
 18 hop act that John Sandberg was booking.
 19 Q Is that with respect to Drake and
 20 Nicki Minage?
 21 A Yes.
 22 Q That money was just lost?
 23 A To the best of my knowledge,
 24 lost, yes.
 25 Q As far as you know the money was

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1 wired to secure the engagement of two hip hop
 2 artists?
 3 A Yes.
 4 Q And whoever it was wired to took
 5 the money?
 6 A Yes.
 7 Q Didn't produce contracts?
 8 A They produced contracts. They
 9 did produce contracts.
 10 Q Okay.
 11 Then what happened?
 12 A We didn't get signed contracts.
 13 Q You didn't get signed contracts.
 14 Okay.
 15 That money has never been
 16 recovered?
 17 A No.
 18 Q Turning then to page two of that
 19 same statement, if you look down about halfway
 20 down the page, on March 28th there is two wire
 21 transfers, one in the amount of \$30,000 and the
 22 other in the amount of \$3,550.
 23 Do you see those?
 24 A I see the \$30,000 wire, but I
 25 don't see a \$3500 wire. I see a withdrawal.

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1 Q Withdrawal, okay, correct.
 2 Do you know what those
 3 transactions were?
 4 A I believe the \$30,000 was for
 5 Charlie Sheen.
 6 Q And Juice Entertainment did an
 7 event at Dragonfly?
 8 A With Charlie Sheen.
 9 Q This was to pay Charlie Sheen?
 10 A That was for Charlie Sheen.
 11 Q Do you know about the \$3500?
 12 A I'm not really sure. Could have
 13 been something towards producing the event. I
 14 can't say for certain.
 15 Q Turn to the next statement, which
 16 is a statement dated April 29th.
 17 A Okay. It says 09 on top in the
 18 corner.
 19 Q It does indeed.
 20 On April 1st there is a
 21 transaction, 500 -- description, TD Bank, loan
 22 payment.
 23 Do you see that?
 24 A Yes.
 25 Q Do you know anything about that?

Barrett - direct

62 (Pages 242 to 245)

<p style="text-align: right;">242</p> <p>1 A I don't.</p> <p>2 Q Turn to page four of that</p> <p>3 statement. On April 20th it looks like there is</p> <p>4 a wire transfer of \$117,000. Did I say that</p> <p>5 correctly?</p> <p>6 A You did.</p> <p>7 Q Do you know what that was?</p> <p>8 A That was money we transferred</p> <p>9 into a different bank.</p> <p>10 Q What bank was it transferred</p> <p>11 into?</p> <p>12 A Either TD or Chase.</p> <p>13 Q And why was that money being</p> <p>14 transferred to that account?</p> <p>15 A To keep that money away from John</p> <p>16 Sandberg.</p> <p>17 Q Why did you feel it was necessary</p> <p>18 to keep money away from John Sandberg?</p> <p>19 A Well, actually, twofold. The</p> <p>20 money away from John Sandberg was because he</p> <p>21 just put us through the hip hop scam, as we'll</p> <p>22 call it, and the relationship had gone to shit.</p> <p>23 This particular Provident Bank was nowhere near</p> <p>24 my house or Tom's house.</p> <p>25 Q Fair enough.</p>	<p style="text-align: right;">244</p> <p>1 MR. MARX: Mark the next exhibit,</p> <p>2 please.</p> <p>3 (Exhibit marked for</p> <p>4 identification CB-13, Mobile phone examiner</p> <p>5 plus, quick print.)</p> <p>6 Q Mr. Barrett, I'm going to ask you</p> <p>7 to continue looking through the document we</p> <p>8 marked as exhibit CB-13.</p> <p>9 (Exhibit handed to the witness.)</p> <p>10 Q It appears to be another</p> <p>11 collection of text messages sent to or from your</p> <p>12 cell phone --</p> <p>13 A Um-hum.</p> <p>14 Q -- on February 5th, 2011.</p> <p>15 A Yeah.</p> <p>16 Q And then on -- continuing to</p> <p>17 February 7th.</p> <p>18 The first question concerns the</p> <p>19 first text message sent to you from the number</p> <p>20 (646) 773-7700.</p> <p>21 A Okay.</p> <p>22 Q Do you know whose number that is?</p> <p>23 A John DiMatteo.</p> <p>24 Q Mr. DiMatteo says to you, "Any</p> <p>25 news on the contract?"</p>
<p style="text-align: right;">243</p> <p>1 If you go through the statement,</p> <p>2 there is a lot of purchases made using a debit</p> <p>3 card. Who had debit cards on this day?</p> <p>4 A I had one, job sand had one and</p> <p>5 Tom Dorfman had one.</p> <p>6 Q Do you know who was doing the</p> <p>7 majority of the spending on the debit card?</p> <p>8 A I have to go through each one.</p> <p>9 Q I'm not asking you to do that</p> <p>10 now.</p> <p>11 A Okay.</p> <p>12 Q If you knew --</p> <p>13 A Couldn't tell you.</p> <p>14 Q Fair enough.</p> <p>15 Going ahead to what I believe is</p> <p>16 the last statement, three pages from the back, a</p> <p>17 statement dated May 31, 2011.</p> <p>18 A Okay.</p> <p>19 Q Looks like the bank account was</p> <p>20 closed out. The balance by that time was down</p> <p>21 to \$242.36.</p> <p>22 A Yes.</p> <p>23 Q Why was the bank account closed?</p> <p>24 A Because we no longer used it.</p> <p>25 Q Sounds like a good reason.</p>	<p style="text-align: right;">245</p> <p>1 Do you recall what he was talking</p> <p>2 about at that time?</p> <p>3 A The contract with Al Dorso.</p> <p>4 Q Okay.</p> <p>5 So this is the contract that was</p> <p>6 formalized -- formalized the arrangements that</p> <p>7 you had discussed with him, and that was</p> <p>8 reflected to some extent in the December 1st,</p> <p>9 2010 engagement letter?</p> <p>10 A Correct.</p> <p>11 Q Later that day you respond to</p> <p>12 Mr. DiMatteo, "Yesterday you said we should have</p> <p>13 it over the weekend. I'm expecting Monday."</p> <p>14 Did I read that correctly?</p> <p>15 A Yes.</p> <p>16 Q Do you know when you finally did</p> <p>17 receive the contract?</p> <p>18 A I would have to check my e-mail.</p> <p>19 Q Okay. Fair enough.</p> <p>20 Turn to the next page. There is</p> <p>21 an e-mail sent from you to Mr. DiMatteo, and it</p> <p>22 says, "The third call was Ultra."</p> <p>23 Do you remember what that means?</p> <p>24 A I think on this particular day I</p> <p>25 must have had communication with either Al Dorso</p>

<p style="text-align: right;">270</p> <p>1 what point on? My whole life?</p> <p>2 Q If you can summarize it briefly</p> <p>3 starting in 2001.</p> <p>4 A 2001 I graduated. I worked at --</p> <p>5 I think it's safe to say I worked as a deejay, I</p> <p>6 would say, multiple nightclubs, bars, private</p> <p>7 entertainment company, going back, it's a long</p> <p>8 time ago, I couldn't tell you every single one.</p> <p>9 Q You've been involved in that</p> <p>10 industry basically from 2001?</p> <p>11 A 1998.</p> <p>12 Q 1998.</p> <p>13 A I started in high school.</p> <p>14 Q Understood.</p> <p>15 To some extent I think you</p> <p>16 described some of that experience up until 2010.</p> <p>17 A Yes.</p> <p>18 Q Did you have any experience with</p> <p>19 live music festivals prior to 2010?</p> <p>20 A What do you mean by live music</p> <p>21 festival? What would you consider a live music</p> <p>22 festival?</p> <p>23 Q We talked most of the day about</p> <p>24 electronic music festivals that you were going</p> <p>25 to put on in 2011.</p>	<p style="text-align: right;">272</p> <p>1 book one or two deejays and call it a festival.</p> <p>2 Off the top of my head, Paul</p> <p>3 VanDyke does a festival or has previously done</p> <p>4 festivals, just him, maybe a couple other guys.</p> <p>5 That's the definition of a festival.</p> <p>6 Q Using your definition of a</p> <p>7 festival, tell me your experience in outdoor</p> <p>8 music festivals prior to 2010.</p> <p>9 A I had performed at a Gemini</p> <p>10 festival in Fort Lauderdale, I believe, I could</p> <p>11 be wrong about the location. Offhand that would</p> <p>12 be the only one that is before 2010, I believe,</p> <p>13 probably. There could be more. I would have to</p> <p>14 go through my collection of fliers.</p> <p>15 Q When was that genesis festival?</p> <p>16 A Gemini.</p> <p>17 Q I apologize. My writing is bad</p> <p>18 enough.</p> <p>19 A When was it? I want to say 2010.</p> <p>20 Q And given the name, I assume it</p> <p>21 was either in late May or early June, right?</p> <p>22 A Yeah.</p> <p>23 Q And you were participating in</p> <p>24 that event as a performer, correct?</p> <p>25 A I was a performer.</p>
<p style="text-align: right;">271</p> <p>1 A Okay, yes.</p> <p>2 Q We talked about a Latin music</p> <p>3 festival that you put on in 2010.</p> <p>4 A Yes.</p> <p>5 Q What does a live festival mean to</p> <p>6 you?</p> <p>7 A An outdoor event.</p> <p>8 Q Involving how many artists?</p> <p>9 A Significant amount. More than</p> <p>10 10.</p> <p>11 Q Okay.</p> <p>12 How about the attendance? Does</p> <p>13 the attendance have to be a certain number</p> <p>14 before we consider an outdoor event with more</p> <p>15 than 10 artists to be a festival?</p> <p>16 A Either a festival or one artist,</p> <p>17 now that I think about it. I was trying to</p> <p>18 pinpoint --</p> <p>19 Q I want to know what you think a</p> <p>20 festival is.</p> <p>21 A I think a festival is an outdoor</p> <p>22 event with live music, where people come and</p> <p>23 attend. It could be any number of musicians and</p> <p>24 or deejays.</p> <p>25 Like I was saying before, you can</p>	<p style="text-align: right;">273</p> <p>1 Q Have you had any experience prior</p> <p>2 to 2010 in participating in outdoor music</p> <p>3 festivals as a buyer of talent?</p> <p>4 A Yes.</p> <p>5 Q How about involvement in the</p> <p>6 production as distinguished from the performance</p> <p>7 acts at an outdoor festival prior to 2010?</p> <p>8 A How many I produced?</p> <p>9 Q Your only involvement prior to</p> <p>10 2010 in an outdoor music festival was that you</p> <p>11 appeared as a performer in one?</p> <p>12 A Correct.</p> <p>13 Q Have you ever been involved in</p> <p>14 producing an entertainment event with more than</p> <p>15 10,000 people in attendance?</p> <p>16 A No.</p> <p>17 Q How about more than 5,000 people?</p> <p>18 A Have I ever produced it myself?</p> <p>19 Q Or with others.</p> <p>20 A Or with others?</p> <p>21 Q Yes.</p> <p>22 A An outdoor music festival?</p> <p>23 Q Any kind of event with more than</p> <p>24 5,000 people there.</p> <p>25 A Yes.</p>

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1 that you collectively were discussing financing with?
2 A. You say me collectively --
3 Q. You, Mr. Dorfman --
4 A. Mr. Dorfman you would have to speak to.
5 Q. Okay.
6 A. And confirm with him because he met with
7 people on his own.
8 Q. Okay. We have already talked about Vito
9 and John and the Chiasulo family, we have already
10 talked about Mr. Hason, Aventura. Do you know what
11 component of the event Mr. LaVecchia was considering
12 providing financing for?
13 A. I don't know.
14 Q. What about the Eagle football player,
15 same question?
16 A. Subsequent events.
17 Q. What does that mean?
18 A. We wanted to do other events at the
19 State Fair.
20 Q. Other than the EDM show?
21 A. Yes.
22 Q. Other than the Latin music festival?
23 A. Yes.
24 Q. Are you talking about the rock show?
25 A. It could be rock. It could have been a

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1 teen event.
2 Q. Or I believe you were talking about a
3 college fair or event?
4 A. A college fair.
5 Q. Okay. Do you recall which of the Eagle
6 football player was being discussed?
7 A. I don't recall.
8 Q. What about the others whose identities
9 you don't recall, what events were you talking to
10 them about?
11 A. It could be any of the ones we just
12 discussed.
13 Q. Including the EDM?
14 A. Not the EDM. The EDM we had funding.
15 Q. The EDM you had funding through Vito and
16 John and the Chiasulo family, correct?
17 A. Correct.
18 Q. The others we are talking about --
19 A. Subsequent, subsequent events.
20 Q. Okay. And do you know where I can find
21 Mr. LaVecchia now if I want to serve him with a
22 deposition subpoena?
23 A. I don't know.
24 Q. You don't have his contact information?
25 A. Don't have his contact information.

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1 Q. Do you know, do you know why the
2 supplemental interrogatory answers were provided last
3 week, rather than back in 2013?
4 A. You would have to ask Mr. Dorfman that.
5 Q. You were not involved?
6 A. I was not involved.
7 Q. At this point I am going to check with
8 my co-counsel and check my notes, after a short break
9 I may have no further questions; is that acceptable?
10 A. Acceptable.
11 (Recess)
12 MR. MARX: We have no further
13 questions. Thank you for your time.
14 MS. WAGNER: I have no questions.
15 (Deposition concluded at 1:50 p.m.)
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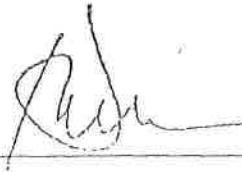
C E R T I F I C A T E

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3 I, PATRICIA LEE PAGE, a Certified Court
4 Reporter of the State of New Jersey, do hereby
5 certify that the foregoing is a true and accurate
6 transcript of the testimony as taken stenographically
7 by and before me at the time, place, and on the date
8 hereinbefore set forth.
9 I DO FURTHER CERTIFY that I am neither a
10 relative nor employee nor attorney nor counsel of any
11 of the parties to this action, and that I am neither
12 a relative nor employee of such attorney or counsel,
13 and that I am not financially interested in the
14 action.
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20 PATRICIA LEE PAGE, C.C.R.
Certificate No. XI01377
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C E R T I F I C A T E

I CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken by and before me stenographically at the time and place aforementioned.

I FURTHER CERTIFY that I am neither attorney for nor counsel to any of the parties; parties of any of the attorneys in this action; and that I am not financially interested in the outcome of this case.



HOWARD A. RAPPAPORT, C.C.R.
Certificate No. XI00416